

G-Regs™

## Italy – Gambling – Balduzzi Decree



Full title of law or regulation

**The Balduzzi Decree** (Decree Law no. 158 of September 13, 2012) converted into Law no. 189, on November 8, 2012

DECREE-LAW no. 158 dated 13 September 2012. Urgent measures to promote the development of the country by way of a higher level of health protection

Decree Law converted with amendments into Law no. 189 on 8 November 2012

Chapter II

Chapter II Reduction of health risks in relation to nutrition and the treatment of animals.

Article 7

Provisions relating to the sale of tobacco products, preventative measures against gambling addiction and for non-competitive sporting activities.

4. The advertising of games with cash prizes is prohibited in the course of television or radio broadcasts and during theatre or film performances aimed / targeted at children, and in the thirty minutes before and after such a transmission or performance. Advertising, in any form, is also prohibited in newspapers and magazines aimed/ targeted at minors and in cinemas during any film screening intended for viewing by minors. The advertising of games with cash prizes is also prohibited in newspapers, magazines, publications, during television and radio broadcasts, film and theatre performances and via the Internet in which any one of the following elements is present:

a) incitement for gaming or glorification/ exaltation of the game (i.e. *encourages players to gamble or exalts/ glorifies gambling*)

b) presence of minors;

c) absence of warnings on the risks of gambling addiction, as well as reference to information notices on the probability of winning published on the AAMS<sup>1</sup> (Independent Authority for the Administration of State Monopolies) website, subsequently known, after its incorporation/ merger (with the Customs Agency), under existing legislation<sup>2</sup>, as the Customs and Monopolies Agency (ADM<sup>3</sup>), as well as websites of individual licensees or available at the gambling distribution point (i.e. *gambling premises and/or the places inside a store where lottery tickets are sold*).

4-bis. The advertising of games with cash prizes/ winnings must clearly indicate (*make clearly visible*) the percentage of the chance/probability of winning that the individual (player/ participant) has for each game advertised. If the individual percentage is not definable, the historical percentage for similar games must be shown. Where an infringement of this requirement occurs, the promoter is obliged to repeat the advertisement in an identical manner to the original advertising campaign (in terms of manner, channel used and number of ads), meeting the same requirements indicated under this Article and, in addition, making clear that the advertisement is repeated due to a previous infringement of the relevant legislation.

<sup>1</sup> Amministrazione Autonoma dei Monopoli di Stato – see here:

<https://www.agenziadoganemonopoli.gov.it/portale/monopoli/giochi/probabilita-vincita>

<sup>2</sup> Decree Law n° 6 of July 2012 n. 95 converted into Law n. 135 dated 7th August 2012

<sup>3</sup> Agenzia delle Dogane e dei Monopoli.

URL of source: <http://www.normattiva.it/uri-res/N2Ls?urn:nir:stato:decreto.legge:2012-09-13;158!vig=>

5. Warnings about the risk of gambling addiction and the probability of winning must appear on the tickets or coupons for such games. Where the amount / extent of information to be stated is such that it cannot be contained (or will not fit) on the ticket or coupon, they (ticket/coupon) must bear an indication/ reference to the possibility of consulting the information notes on the probability of winning published on the website of the Independent Authority for the Administration of State Monopolies (AAMS), subsequently known, after its incorporation under existing legislation, as the Customs and Monopolies Agency (ADM), as well as the websites of individual licensees, or available at the points of distribution (i.e. gambling premises and/or the places inside a store where lottery tickets are sold).

The same warnings must be applied on the machines referred to in Article 110, paragraph 6, letter a) of the consolidated public safety laws, as per Royal Decree no. 773 dated 18 June 1931, with subsequent amendments (*referring to: Amusement with Prizes – AWP Gaming Machines*); the same warnings must be displayed on notices (special plaques) exhibited in areas or rooms where video terminals, as referred to in article 110, paragraph 6, letter b) of the aforementioned consolidated text, as per Royal Decree no. 773 of 1931, are installed (*referring to Video Lottery Terminals – VLTs*), as well as at points of sale where principal activities include the offering of bets on sporting events including horse racing, and for non-sporting events. These warnings must also appear and be clearly legible at the time of access to any Internet site where games with cash prizes are offered. For the purposes of this paragraph, amusement arcade and gaming room managers where there is provision for public gaming, or betting on sporting events, including horse racing and other non-sport related gaming, are expected to exhibit at the entrance and inside of the licenced premises, warning material prepared by the local health authorities, aimed at highlighting the risks of gaming and indicating the location nearby of public and private social care services dedicated to the care and reintegration into society of persons who suffer from an addiction to gambling. [*G.A.P. - Gioco d'Azzardo patologico*]

5-bis. The Italian Ministry of Education, University and Research places emphasis on the educational value, at both primary and secondary school levels, of responsible gaming so that, as part of their autonomy, institutions may cultivate educational initiatives designed to make students aware of the true meaning of gaming and the potential risks from misuse or erroneous perceptions of the same.

6. The person carrying out the advertisement referred to in paragraph 4 (*i.e. the gambling operator / advertiser*) and the owner of the means by which the same advertisement is circulated (*i.e. media owner/ provider*) are both liable for sanction by way of a fine ranging from one hundred thousand to five hundred thousand euro. Failure to comply with the provisions referred to in paragraph 5 will result in a sanction amounting to fifty thousand euro imposed on the licensee; for any infringement relating to paragraph 5, concerning machines referred to in the aforementioned Article 110, paragraph 6, letter a) and b) (*i.e. AWP and VLTs*), the same penalty applies to the person who owns the gaming room or gambling distribution point; for any infringement at points of sale where the principal activity includes the offering of bets, the sanction applies to the owner of the venue if different from the licensee. Notification of infringements and the imposition of sanctions falls within the remit of the Independent Authority for the Administration of State Monopolies (AAMS), subsequently known, after its merger by legislation, as the Customs and Monopolies Agency, as provided under Act no. 689 dated 24 November 1981, with subsequent amendments.

7. The provisions of paragraphs 4, 5 and 6 shall take effect from 1 January 2013.

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